

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813
September 26, 2008

KAUAI

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility
Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-06: 01.

APPLICANT:

Kauai Island Utility Cooperative whose business and mailing address is 4463 Pahee Street, Lihue,
Kauai, Hawaii, 96766.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of the State, DLNR, Division of Boating and Ocean Recreation's
(DBOR) Waikaea Boat Ramp, situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key:
(4) 4-5-06:01, as shown on the attached map labeled Exhibit A (Easement E-8)

AREA:

0.03 acres, more or less to Kauai Island Utility Cooperative.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Portion of DBOR Waikaea Ramp facility

CHARACTER OF USE:

For access, right, privilege and authority to construct, use, maintain and repair a right-of-way under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-Time payment to be determined by independent or Staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

TERM:

Perpetuity

ANNUAL RENT:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice in August of 2003 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

- 1) Pay for an appraisal to determine initial rent/one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
- 3) Process and obtain subdivision at Applicant's own cost.
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

The County of Kauai (County) is in the process of finishing the new improvements at Lihi County Park, with the completion of a new restroom facility, landscaping, bike-path and pedestrian walkway. The new improvements shall benefit both the County Park and the boat ramp users. The

majority of the improvements are on County property neighboring the State, Department of Land and Natural Resources, Division of Boating and Ocean Recreation's (DBOR) Waiakea Boat Ramp Facility (Ramp).

When addressing the need for power to the restroom, the best source was determined to be a light pole located a short distance from the County Path positioned on DOBOR property. The electrical line will run to a separate meter that shall be placed on the new County restroom. To complete and maintain the electrical improvements, Kauai Island Utility Cooperative requests a non-exclusive easement to access and maintain the underground electrical lines on the DOBOR land running from the light pole to the County portion of the Path and Restroom.

RECOMMENDATION:

That the Board:

Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Kauai Island Utility Cooperative covering the subject area for access, landscaping and maintenance purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


1. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
2. The perpetual easement shall inure to the benefit of the real property described as Tax Map Key: (4) 4-5-06: 01
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

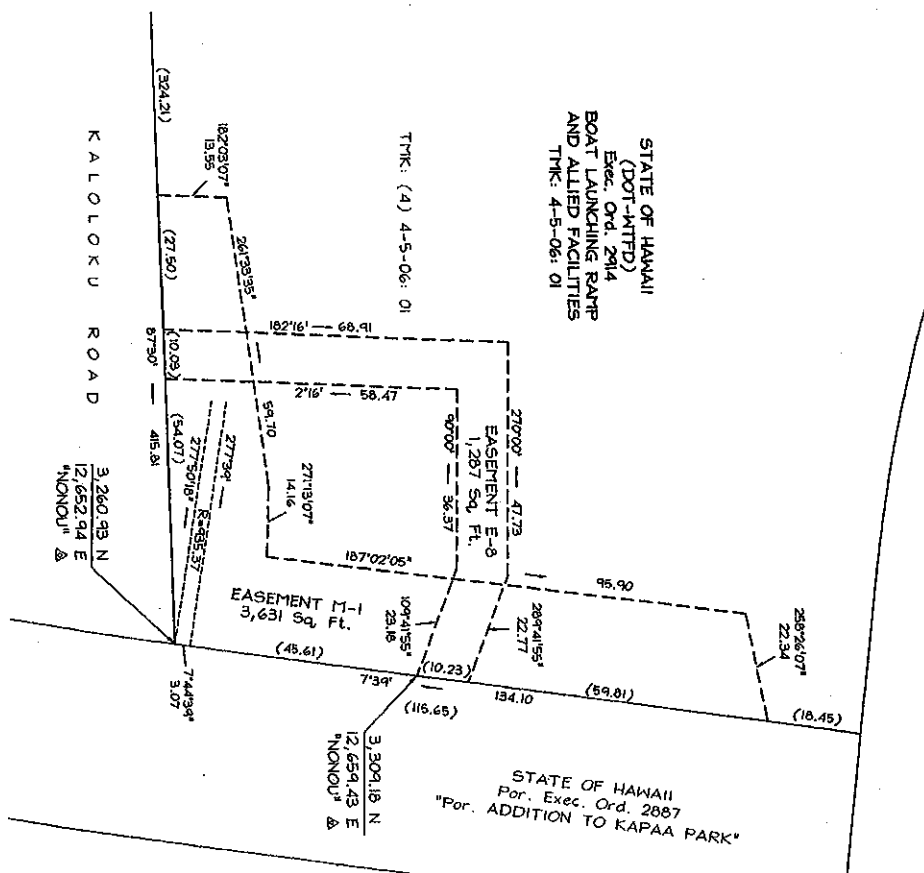
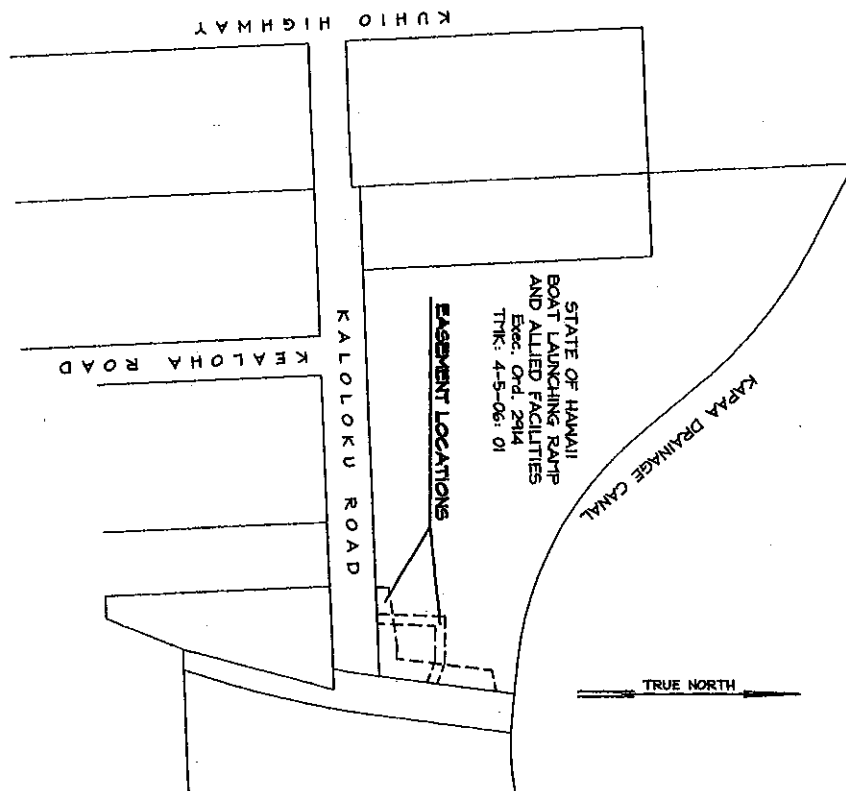


Edward R. Underwood

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson

Vicinity Map



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION



Signature
ES&I SURVEYING & MAPPING, INC.
EXPIRES: APRIL 30, 2008

ENLARGEMENT

**DESIGNATION OF EASEMENT E-3
AND EASEMENT M-1
BEING PORTION OF
STATE OF HAWAII
BOAT LAUNCHING RAMP
AND ALLIED FACILITIES SITE
Executive Order 2914
KAPAA, KAWAHU, KAUAI, HAWAII
TRK: (4) 4-5-06: 01
Prepared For: Akinaka and Assoc.
Date: February 26, 2006**